

Thomas J. Cafferty  
Nomi I. Lowy  
**GIBBONS P.C.**  
One Gateway Center  
Newark, New Jersey 07102  
Tel: (973) 596-4500

David Korzenik  
**MILLER KORZENIK SOMMERS LLP**  
488 Madison Avenue, 11th Floor  
New York, New York 10022  
Tel: (212) 752-9200

*Attorneys for Defendants Millennium Radio Group, LLC,  
Craig Carton and Ray Rossi*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

PETER MURPHY,

Plaintiff,

vs.

MILLENNIUM RADIO GROUP LLC,  
CRAIG CARTON and RAY ROSSI,

Defendants.

Civil Action No.: 08-1743 (MAS) (TJB)

**OFFER OF JUDGMENT**

TO: Maurice Harmon, Esq.  
**HARMON & SEIDMAN, LLC**  
533 Walnut Drive  
Northampton, Pennsylvania 18067  
*Attorneys for Plaintiff Peter Murphy*

**PLEASE TAKE NOTICE** that, pursuant to Federal Rule of Civil Procedure 68, Defendant Millennium Radio Group, LLC offers to allow judgment, solely related to claims for defamation, to be taken against it on the following specific terms, with the costs then accrued:

1. This Offer of Judgment is hereby served upon Plaintiff to settle all remaining defamation claims brought in this action (Counts XIII-XV, inclusive) for the sum of \$500 plus legally recoverable costs then accrued, 28 U.S.C. §1920, solely on

the defamation claims. Attorneys' fees are not recoverable under the defamation claims and are, therefore, not included. This Offer of Judgment is intended to provide the maximum relief allowable under the law for all of Plaintiff's defamation claims.

**PLEASE TAKE FURTHER NOTICE** that this Offer of Judgment is made solely for the purposes specified in Federal Rule of Civil Procedure 68, and may not be used for any purpose other than that identified in that rule. This Offer of Judgment should not be construed as either an admission that Defendants are liable in this or any other action, or that Plaintiff has suffered any damages, and, in accordance with Federal Rule of Evidence 408, the Offer of Judgment, whether accepted or not, is not admissible in evidence in any proceeding.

**PLEASE TAKE FURTHER NOTICE** that acceptance of this Offer of Judgment and payment of the total amount of \$500 plus costs then accrued solely on the defamation claims will result in the automatic and immediate dismissal with prejudice of any and all defamation claims in this action.

**PLEASE TAKE FURTHER NOTICE** that if Plaintiff fails to accept this Offer of Judgment within fourteen (14) days of the date of service, as specified in Federal Rule of Civil Procedure 68(a), it will be deemed withdrawn.

**PLEASE TAKE FURTHER NOTICE** that this Offer of Judgment is made without prejudice and subject to, and without waiving, all of Defendants' claims, defenses, and rights related to defamation in this matter.

Dated: March 27, 2015

By: Thomas J. Cafferty

Thomas J. Cafferty  
**GIBBONS P.C.**  
One Gateway Center  
Newark, New Jersey 07102  
Tel: (973) 596-4500

David Korzenik  
**MILLER KORZENIK SOMMERS LLP**  
488 Madison Avenue, 11th Floor  
New York, New York 10022  
Tel: (212) 752-9200

*Attorneys for Defendants*

**AMENDED**  
**CERTIFICATION OF SERVICE**

I hereby certify that on this date the original and two (2) copies of the Offer of Judgment were sent via Federal Express to:

Maurice Harmon, Esq.  
**HARMON & SEIDMAN, LLC**  
11 Chestnut Street  
New Hope, PA 18938  
*Attorneys for Plaintiff Peter Murphy*

and copies were also forwarded via electronic mail to:

maurice@harmonseidman.com  
Maurice Harmon, Esq.

and

autumn@harmonseidman.com  
Autumn Witt Boyd, Esq.

  
THOMAS J. CAFFERTY

Dated: March 27, 2015